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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,749	07/21/2003	Odd N. Oddsen JR.	INNOFF 3.0-024	6349
530	7590	08/29/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,749

Applicant(s)

ODDSEN ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) 5,10,11,19,20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,18,21,22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/21/2005 has been entered.

Claim Rejections - 35 USC § 112

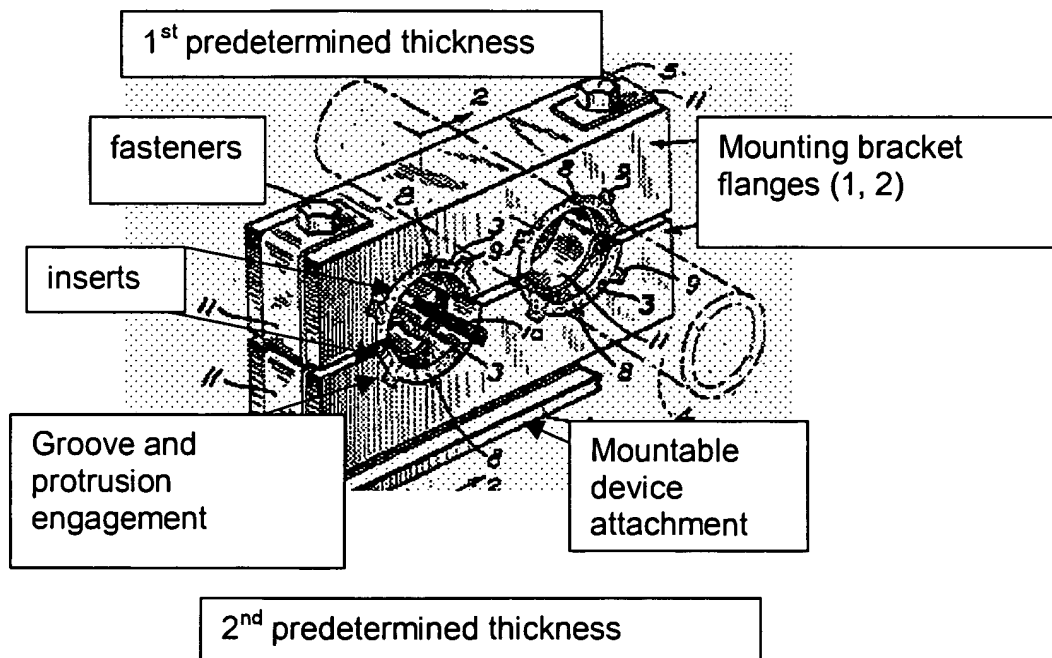
Claims 1-4, 6-9, 18, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation that the "inserts having same outside diameter and different inside diameter whereby the thickness of said inserts" are different is vague and indefinite. By definition "a diameter is a line through the center of a figure or body" (Merriam-Webster's Collegiate Dictionary, tenth edition). However, it is unclear in applicant's recitation as to where the center of the insert is located and from what point to what point does a diameter start or end with such diameter going through a center of the insert. Further, it is also unclear what constitutes outside diameter and inside diameter. Similar recitation and vagueness are found in claims 8 and 18. Regarding claim 3, "said thickness being predetermined" is vague and indefinite as it is not clear as to predetermined by what or why wouldn't the thickness be predetermined.

Colley's inserts are identical removably attached to the bracket sections thus are inherently interchangeable with each other.

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Claims 1-4, 6-9, 18, 21, 22, and 24-30 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Morehouse (US patent no. 2,355,742).

Morehouse discloses all the claimed features of applicant's invention (see illustration below) wherein a first predetermined thickness (the thinness part of the insert) defined between the inner and outer surface of one insert is different a second predetermined thickness (the thickness from the inner surface to the outer surface of one of the protrusions of the insert) of another insert (see illustration below).



Morehouse's inserts are identical removably attached to the bracket sections thus are inherently interchangeable with each other.

Claim Rejections - 35 USC § 103

Claims 1-4, 6-9, 18, 21, 22, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morehouse (US patent no. 2,355,742) in view of the prior art described in Lang (US patent no 4,527,426). Morehouse as discussed above disclosed all the claimed features of applicant's invention except for specifically disclosing that the inserts are interchangeable. The prior art of Lang discloses that it is old and well-known to provide plurality of sleeves (inserts 9a and 9, figure 1) with different thicknesses to accommodate different diameter sizes of wire ropes (Col. 1, lines 23-34) disposed within an area bound by inner surfaces of a mounting bracket having first and second sections (3 and 3a) joinable to one another to form the area therebetween. It would have been obvious to one of ordinary skill in the art to have modify the device of Morehouse such that there are a plurality of inserts provided which are interchangeable to accommodate different diameter sizes of cylindrical objects disposed therein as taught to be desirable by Lang.

Response to Arguments

Applicant's arguments filed 5/27/2005 have been fully considered but they are not persuasive. Regarding the 35 U.S.C. 112 rejection, it is still not clear where the center or locus from which the recited diameter is extended from. The recitation of "said inserts having same outside diameter and different inside diameter define by inner and outer surface" is deficient also in that applicant inferentially claims that the inserts are perhaps curved or circular. Applicant's argument that the inserts of Colley and Morehouse are not interchangeable is not persuasive since each of Colley and

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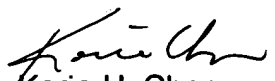
Morehouse discloses that there inserts are identical and removable and thus each insert can be placed or interchanged on either of the inner surfaces of the first and second sections of the bracket. Consequently, Colley and Morehouse meets the limitations of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
August 22, 2005